

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION) MDL No. 1:13-md-2419-RWZ
THIS DOCUMENT RELATES TO:)
ALL CASES.)

DECLARATION OF PATRICK T. FENNELL

I, Patrick T. Fennell, declare under penalty of perjury on the date identified below, as follows:

1. I am an attorney at the law firm Crandall & Katt, and a member of the Plaintiffs' Steering Committee ("PSC") in the captioned MDL.
2. On February 13, 2015 the PSC circulated by email to all defense counsel known to have made an appearance in this MDL a draft case management order governing the coordination of dispositive motions ("proposed CMO"), and scheduled a conference call for all interested counsel and parties for February 18, 2015 at 2:00 p.m. prevailing Eastern time.
3. On February 18, 2015 the scheduled conference call was conducted by the PSC with the participation of many defense counsel, including several attorneys representing the Saint Thomas Entities.
4. During and after the conference call the PSC received comments about the proposed CMO, in response to which the PSC circulated to defense counsel a revised draft CMO on February 23, 2015 at approximately 2:28 p.m.
5. At approximately 6:58 that evening, counsel for the Saint Thomas Entities circulated their own proposal for a CMO.

6. After consideration of the Saint Thomas Entities' proposed CMO by the PSC, on February 25, 2015, on behalf of the PSC I contacted counsel for the Saint Thomas Entities by telephone and left a voice mail message indicating that the PSC had reviewed the Saint Thomas Entities' proposal, decided to file the motion with the PSC proposed CMO, and inviting counsel for the Saint Thomas Entities to call me back if they wished to discuss it. Counsel for the Saint Thomas Entities never called me back.

7. Subsequently, on February 25, 2015, on behalf of the PSC I filed the PSC's Motion to Enter Case Management Order Governing Coordination of Dispositive Motions (Doc. 1711), including the PSC's proposed CMO as modified to address some concerns expressed by defense counsel (Doc. 1711-1).

Executed on this 17th day of March, 2015, in Roanoke, Virginia.



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